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Candy spurs federal bill

By Aaron Davis, San Jose Mercury News

A dozen lawmakers, led by San Jose Rep. Mike Honda, introduced the "Food Choking Prevention Act of 2002" in the House of Representatives on Thursday, ensuring that Congress will soon debate putting warning labels on candy.

Nationwide, six children's choking deaths -- including two in the South Bay -- have been linked to so-called gel candy, which doctors say easily becomes lodged in children's throats because of its shape and sticky texture. Those deaths led to new government research that suggests thousands of children nationwide are injured and dozens are killed each year from choking on candy.

"It's a no-brainer to me. If we just paid attention to this we could save lives," said Honda, whose bill aims to cut choking deaths by giving the U.S. Food and Drug Administration the same powers to recall and put warning labels on food and candy as the Consumer Product Safety Commission has on toys. Such regulations have allowed the commission to cut the number of child choking deaths caused by toys from hundreds a year to a handful.

"It's a great idea -- what can I say," said Andy Joncich, whose 3-year-old son Deven died in Morgan Hill in 2000 after choking on a lychee-flavor gel candy. "If they had this bill in 1999, before Deven passed away, it probably would have saved his life."

A boy in Seattle died nearly a year before Deven, and a school nurse in Southern California had filed complaints with the FDA months before, saying the candy posed a serious choking risk. The agency never tested gel candy for choking dangers, however, until Mercury News reports linked the deaths of Deven and 11-year-old Michelle Enrile of San Jose to gel candy in August 2001.

Honda's bill would require the FDA to establish a database of such unusual choking incidents and more quickly test candies or food products involved. A new Office of Choking Hazard Evaluation would be responsible. California Reps. Barbara Lee and Pete Stark, as well as lawmakers from Illinois, Maryland, Michigan, New Jersey, North Carolina, Puerto Rico, Rhode Island and the Virgin Islands, joined Honda in support of the Food Choking Prevention Act on Thursday.



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[Colorful candies like these have been linked to several choking deaths involving children in California.](#)

Honda said he is confident more lawmakers from the Bay Area and states where children have died from gel candy will soon back the measure.

Officials at the FDA did not comment on the proposed bill, and a spokeswoman for the American Academy of Pediatrics said the group had no position.

What's yet to be determined, Honda said, is exactly how much the act might cost to implement. ``It's not going to be much," Honda said. ``It's not an additional area of responsibility for the FDA -- they already are supposed to do food safety."